

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEITH BRATTON,

Plaintiff,

vs.

KILOLO KIJAKAZI¹,

Acting Commissioner of Social Security,

Defendant.

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Case No. 4:22-CV-165 PLC

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Kilolo Kijakazi's motion to remand the case to Defendant pursuant to sentence six of section 205(g), 42 U.S.C. § 405(g). [ECF No. 10] Plaintiff Keith Bratton states that he has no objection to Defendant's motion. [ECF No. 11]

On February 11, 2022, Plaintiff filed a complaint seeking review of Defendant's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. [ECF No. 1] In the Defendant's motion for remand, filed prior to her answer, she explains that "the Appeals Council notified undersigned counsel that the electronic certified administrative record (eCAR) could not be completed because a review of the hearing recording revealed that numerous portions of the hearing testimony were inaudible." [ECF No. 10 at 1] Defendant states that, "[u]pon receipt of the Court's remand order, the Appeals Council will remand the matter to an administrative law judge for a new hearing and decision." [Id. at 2]

Sentence six of section 205(g) states, in relevant part:

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand

¹ Kilolo Kijakazi is now the Acting Commissioner of Social Security and is automatically substituted pursuant to Fed. R. Civ. P. 25(d).

the case to the Commissioner of Social Security for further action by the Commissioner of Social Security, and it may at any time order additional evidence to be taken before the Commissioner of Social Security, but only upon a showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding....

42 U.S.C. § 405(g). Defendant's motion to remand is timely filed, and Defendant has shown good cause for such remand. The Court therefore finds that remand pursuant to sentence six of 42 U.S.C. § 405(g) is warranted.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to remand [ECF No. 10] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner is **REMANDED** pursuant to sentence six of 42 U.S.C. § 405(g) for further administrative proceedings regarding Plaintiff's claim.



PATRICIA L. COHEN
UNITED STATES MAGISTRATE JUDGE

Dated this 28th day of March, 2022